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EXAMINER
MARANDI, JAMES R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 December 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5,6,8-13 and 15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5,6,8-13 and 15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/7/2009</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2008 has been entered.

2. Claims 1-3, 5, 6, 8-13, and 15 are presently pending. Claims 4, 7, and 14 have been canceled.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5, 6, 8-13, and 15 have been considered but are moot in view of the new ground(s) of rejection.

   Although a new ground of rejection has been used to address additional limitations that have been added to claims 1-3, 5, 6, 8-10, 13, and 15, a response

is considered necessary for several of applicant's arguments since Dureau
reference will continue to be used to meet several claimed limitations.

➢ Applicant states that "*Dureau discloses that "a service provider may transmit
HTML data, MPEG 1, 2, or 4 data, or other data" (see paragraph [0035]).
Further, Dureau discloses that "receiver 340 is configured to not only receive
this data, but also to transcode data from one format to another" (see
paragraph [0035]).*" , and then concludes "*However, a technique of transcoding
data for which the encoding scheme is known in advance is different from a
technique of analyzing an encoding scheme of a video stream. Hence, the
noted feature of claims 1, 10, 13 and 15, namely "analyzing at least an
encoding scheme of the video stream" is a distinction over Dureau.*" (Page 8
of Remarks, last paragraph)

Examiner disagrees with applicant. As shown in Fig. 1, Dureau's Proxy
receiver 12 (Fig 1, and as also described as next generation proxy receiver
340 in Fig. 3) is connected to a variety of sources (content providers from
network 20, 42, and 18. ¶ [28]). The receiver <u>detects</u> the received data from
various sources. The user terminals (30 in Fig. 1, and 352 in Fig. 3) register
with the receiver to advise of the format acceptable to them. The receiver in
turn detect the vendor provided format and transcode it to the format
acceptable to the user terminal. (¶ [34])

In fact, in ¶ [32], Dureau emphasizes that the receivers configured to receive

and transmit according to a pre-determined format are inflexible and uses that

as motivation to disclose his next generation receiver. (See ¶ [32], in

particular page 4, Col. 1, lines 5- 12)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1- 3, 5, 6, 9- 13, and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over V. Dureau, USPGPUB 2003/0135860 (hereinafter "Dureau") in

view of J.C.I. Chuang et al., "Pricing Multicast Communication: A Cost Based

Approach", (hereinafter "Chuang").

Regarding claims 1 Dureau discloses **a video selection server** (Fig 1., 12 Proxy

receiver; and Fig 3, 340 next generation proxy receiver, serves content received

from various sources destined for the local networks 50, or within the home, also

¶ [42])**for selectively relaying video information, comprising:**

receiving unit to receive a video stream delivered via a first network
(Fig. 1, networks connected via 138, 42, and 136)**;**

**a information analysis unit to analyze at least an encoding scheme of
the video stream received by the receiving unit** (unit 12 and 340 receive and
detect content stream from various sources as shown in Fig. 1, and 3 and ¶
[33].)**;**

**a decision unit to determine whether or not a result of analysis by
the information analysis unit fulfills a criterion related to a permitted
encoding scheme and to judge whether to permit delivery of the received
video stream received to a second network** (the second network is element 50
of Fig. 1, and network of devices 352 in Fig. 3. These devices register with 340
and 12 to indicate their capability, and 340 decides how to distribute/ transcode
content from first network ¶¶ [13], and [42])**; and**

**a transmitting unit to transmit to a plurality of requesting clients on
the second network, the video stream of which the delivery to the second
network has been permitted by the decision unit** (Fig. 3, ¶¶ [33]-[37]),

Dureau does not explicitly disclose **wherein the video stream is unicast
to each of the requesting clients if the number thereof is equal to or smaller
than a specified number, and wherein the video stream is multicast to the**

plurality of requesting clients if the number thereof is greater than the specified number.

However Chuang, in an analogous art, discloses **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.** (Pages 290-291, section 3.1)

Therefore, it would have been obvious to one of ordinary skill, at the time of invention, to modify the system of Dureau with Chuang's teaching in order to optimize the use of network resources.

Regarding claim 2, **wherein the decision unit permits the delivery of the video stream for which a request has been output from a device connected to the second network.** (Dureau ¶ [42], Fig. 1, elements 30, and Fig. 3, elements 352)

Regarding claim 3, **wherein the received video stream was multicast on the first network**; receivers 12, and 340 are a node on the first network, as described in ¶ [26], they may receive content via broadcast, multicast, or point to pint (unicast).

Regarding claim 5, **wherein the received video stream was unicast via the first network**; receivers 12, and 340 are a node on the first network, as described in ¶ [26], they may receive content via broadcast, multicast, or point to pint (unicast)**.**

Regarding claim 6, **wherein the information analysis means analyzes a transmission protocol of the video stream**, See Dureau ¶ [34].

Regarding claim 9, **wherein, if the received video stream contains a plurality of videos, the receiving unit separates the received video stream into a plurality of video streams corresponding to the respective videos.** (See Dureau, ¶¶ [8], and [9]).

6. Regarding claim 10, Dureau discloses **a video delivery system for delivering a video stream** (Figs. 1 and 3)**, comprising:**

an encoder to encode captured video to obtain a video stream and deliver the video stream via a first network (content captured at sources of the first network 13-15, 18-20, or from internet in Fig. 3, are encoded in variety of

formats. ¶ [35] enumerates examples of such formats for the elements of Fig.3 which is an expanded version of Fig. 1**); and**

a video selection server to receive the video stream delivered via the first network, analyze at least an encoding scheme of the received video stream, determine whether or not a result of the analysis fulfills a criterion related to a permitted encoding scheme, to judge whether to permit delivery of the received video stream to a second network, and transmit, to a plurality of requesting clients on the second network, the video stream of which the delivery to the second network has been permitted, (unit 12 and 340 receive and detect content stream from various sources as shown in Fig. 1, and 3 and ¶ [33]. The second network is element 50 of Fig. 1, and network of devices 352 in Fig. 3. These devices register with 340 and 12 to indicate their capability, and 340 decides how to distribute/ transcode content from first network, ¶¶ [13], and [42], and ¶¶ [33]-[37])**,**

Dureau does not explicitly disclose **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.**

However Chuang, in an analogous art, discloses **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.** (Pages 290-291, section 3.1)

Therefore, it would have been obvious to one of ordinary skills, at the time of invention, to modify the system of Dureau with Chuang's teaching in order to optimize the use of network resources.

Regarding claim 11, **wherein the video selection server has a multi-stage configuration such that the video stream transmitted from a preceding-stage video selection server is delivered to a succeeding-stage video selection server.** There are no limits on the number of application servers in the network as disclosed by Dureau. Servers can be distinct or co-located as any other electronic components of the network, also see ¶ [28].

Claim 12 is rejected as claim 11.

Regarding claim 13, Dureau discloses **a video selection method for selectively relaying video information** (Fig 1., 12 Proxy receiver; and Fig 3, 340 next generation proxy receiver, shows a method of serving content received from various sources destined for the local networks 50, or within the home, also ¶ [42]**), the method comprising:**

receiving a video stream delivered via a first network (Fig. 1, networks connected via 138, 42, and 136**);**

analyzing at least an encoding scheme of the received video stream (unit 12 and 340 receive and detect content stream from various sources as shown in Fig. 1, and 3 and ¶ [33], and determine their format/ encoding scheme**);**

determining whether or not a result of the analysis fulfills a criterion relating to a permitted encoding scheme, to judge whether to permit delivery of the received video stream to a second network (the second network is element 50 of Fig. 1, and network of devices 352 in Fig. 3. These devices register with 340 and 12 to indicate their capability, and 340 decides how to distribute/ transcode content from first network ¶¶ [13], and [42]**); and**

transmitting, to a plurality of requesting clients on the second network, the video stream of which the delivery to the second network has been permitted, (Fig. 3, ¶¶ [33]-[37]**),**

Dureau does not explicitly disclose **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.**

However Chuang, in an analogous art, discloses **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.** (Pages 290-291, section 3.1)

Therefore, it would have been obvious to one of ordinary skills, at the time of invention, to modify the system of Dureau with Chuang's teaching in order to optimize the use of network resources.

Regarding claim 15, Dureau discloses **a computer-readable recording medium recording a video selection program, which when executed by a computer, causes the computer to perform a method, the method comprising:**

receiving a video stream delivered via a first network;

analyzing at least an encoding scheme of the video stream;

determining whether or not a result of the analysis fulfills a criterion relating to a permitted encoding scheme, to judge whether to permit delivery of the received video stream to a second network; and

transmitting, to a plurality of requesting clients on the second network, the video stream of which the delivery to the second network has been permitted,

Dureau does not explicitly disclose **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.**

However Chuang, in an analogous art, discloses **wherein the video stream is unicast to each of the requesting clients if the number thereof is equal to or smaller than a specified number, and wherein the video stream is multicast to the plurality of requesting clients if the number thereof is greater than the specified number.** (Pages 290-291, section 3.1)

Therefore, it would have been obvious to one of ordinary skills, at the time of invention, to modify the system of Dureau with Chuang's teaching in order to optimize the use of network resources.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau,

in view Chuang, further in view of A. Tabatabai et al., USPGPUB 2003/0031260

(hereinafter "Tabatabai").

Regarding claim 8, the system of Dureau and Chuang does not disclose **wherein**

the information analysis unit analyzes video content of the video stream

based on scene description content of meta-data if the encoding scheme of

the video stream is MPEG-7; and

      The decision unit permits the delivery if the video contents of the

video stream are previously set as deliverable content under the criterion.

However Tabatabai, in analogous art, discloses analyzing, matching, and

transcoding of content and description data as it relates to MPEG-7 (¶ [17], Fig.

6, ¶ [48]).

Therefore, it would have been obvious to one of ordinary skill in the art, at

the time of invention, to modify the system of Dureau and Chuang with

Tabatabai's teaching in order to provide a complete portfolio of transcoding to not

only reach variety of user terminals with varying degrees of capabilities, but also

to take into account the content description as well.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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